

Remarks

This is in reply to the official action of November 23, 2009.

All claims have been amended to include the presence of webs and to further clarify structure of the invention that clearly distinguishes over cited art. All limitations in the claims are set forth in the description of Figures 1a through 7.9 and/or in the drawings themselves. No new matter is presented.

Claims 13-26 have been rejected under 35 U.S.C. 103 as being unpatentable over U.S. Patent 5,560,502 to Hsiung.

This rejection is improper and should be withdrawn.

All claims require the following limitations.

1. The presence of webs suitable for receiving and transporting objects (described and shown throughout the specification and drawings).
2. A rigid non-foldable base part. (see figures 6.1-6.5 and figures 7.5-7.9 and description).
3. Four non-folding corner posts as a part of the base part (see figures 6.1-6.5 and figures 7.5-7.9).
4. Two side parts, each side part comprising two rigidly connected corner posts (see figure 7.8 and all remaining figures and description thereof).
5. Locking of the corner posts of the side parts to the corner posts of the base part. (see paragraph [0031] and figure 5 of the drawings).
6. That the rack is free standing when unfolded. (see all figures and the description).
7. That the rack, when folded, is contained within an area defined by the corner posts of the rigid base part (see figure 7.9 and description).
8. That in a folded condition the cross struts fold substantially parallel to one another and substantially parallel to the bottom plane so that similar racks can be stacked on top of one another with side parts parallel with one another (see figure 7.9 and description paragraph [0031] and abstract).
9. That the rack requires only connection of the cross struts for securing the rack in the open position.

Hsiung does not disclose or suggest even one of the above listed limitations and certainly does not disclose or suggest their combination.

Hsiung teaches a closet rack. It is clear that this rack is unstable without further support. For example, attachment to a back wall of a closet is suggested. See items 55 in Figure 1 of Hsiung. Further additional braces 12 are required and horizontal reinforcement bars 7 are needed by Hsiung. Additionally and importantly, Hsiung does not disclose or suggest a rigid base part as required by the present invention but rather teaches away from such a structure by having a base that can be disassembled by separating connector B and folding connector A, thus having an unstable structure. Hsiung requires upper and lower connectors to assemble and disassemble the structure as opposed to only upper connectors in accordance with the present invention. Hsiung thus again teaches away from the present stable foldable rack structure.

U.S. Patent 5,560,502 to Hsiung which shows a collapsible closet frame is simply not designed and suited for receiving transport webs and there is no disclosure or suggestion of such a function by Hsiung.

As previously discussed, the bottom member of the frame disclosed by Hsiung is in itself a foldable frame portion.

In contrast, the present invention defines a collapsible frame having a rigid, unfoldable bottom member. This may on the one hand be seen from the figures and is on the other hand described on page 1 in the prior art discussion referring to DE 41 38 507 describing a rigid lower frame part and a rigid upper frame part. Further, the drawings clearly show a unitary rigid base member.

Members A as described by Hsiung and, as for example can be seen from Figure 11, is clearly a hinge member which means that the upper strut 113 can not be separated and the side frames or side parts can thus not be tilted or folded downward parallel to the bottom member as required by the presently claimed invention and certainly not so that when it is folded, it is contained within an area defined by the corner posts of a rigid base part. This is true since Hsiung has no rigid base part and, as seen in figure 12 of Hsiung would not fit within an area described by corner posts of a rigid base part even if Hsiung had one.

Further, the present invention requires four rigid corner posts as a part of the base member. Again Hsiung teaches away from such a structure by having a multiple piece connector further increasing instability. Hsiung certainly does not disclose or suggest locking of the corner posts of the side parts to the corner posts of any base part and certainly not to a rigid base part.

It is further clear that the Hsiung structure cannot fold so that cross struts fold substantially parallel to one another and substantially parallel to the bottom plane so that similar racks can be stacked on top of one another.

An inspection of Figure 5 of Hsiung clearly shows that Hsiung does even have a bottom plane in the folded condition to make folding parallel to a bottom plane possible.

In view of the foregoing amendments and remarks, it is clear that all rejections should be withdrawn and all claims should be allowed, which action is courteously requested.

Respectfully submitted,

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